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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/703,329	10/31/2000	Dave Parker	005220.P002	3235

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EXAMINER

ALAM, UZMA

ART UNIT PAPER NUMBER

2157

DATE MAILED: 04/01/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/703,329

Applicant(s)

PARKER ET AL.

Examiner

Uzma Alam

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10/31/2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) 27-37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

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### **DETAILED ACTION**

This action is responsive to the application filed on October 31, 2000. Claims 1-37 are pending.

Claims 1-37 represent a method for monitoring events on a system.

#### ***Election/Restrictions***

During a telephone conversation with Mr. Daniel Ovanezian Reg. No. 41,236 on March 24, 2004 a provisional election was made to prosecute the invention of claims 1-26. Upon further consideration, the claims were considered to be directed towards the same invention; the separate claim groups are not distinct.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 21-25, 30 and 34 are rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention.

Claims 21-25 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 21-25 recite the limitation "the machine readable medium of claim 18. There is insufficient antecedent basis for this limitation in the claim.

Claims 30 and 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant

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regards as the invention. The limitation “a portal to configure an event for a parameter of a host system” is vague. The configuration of the event is unclear.

*Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8, 10-12, 14-23, and 25-37 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Royce et al. US Patent No. 5,748,884. Royce discloses the invention as claimed including a notification system that performs notification procedures and includes escalations (see abstract).

As per claims 1, 20, and 26 Royce discloses a method, machine-readable medium, and apparatus comprising:

monitoring a parameter of a host system for a predetermined event (monitoring a job status; column 3, lines 38-42; column 6, lines 66-67; column 7, lines 1-50; column 8, lines 49-55; column 9, lines 6-16);

generating a notification upon the occurrence of the predetermined event to a first person in a hierarchy (creating a message when the event occurs and sending the message; column 3, lines 48-51; column 8, lines 17-28; column 11, lines 51-67; column 12, lines 5-61);

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and escalating the notification to a second person in the hierarchy when the first person fails to acknowledge the notification in a time period (escalating the message when no response is received from first recipient; column 3, lines 48-51; column 8, lines 17-28; column 11, lines 51-67; column 12, lines 55-61).

See also column 1, lines 61-67; column 2, lines 11-24; column 3, lines 26-31 and column 5, lines 9-19.

As per claims 2 and 27, Royce discloses a method, machine readable medium, and apparatus of claims 1, 20, and 26 further comprising determining whether the notification is successful (column 12, lines 40-54).

As per claims 3 and 21, Royce discloses a method, machine readable medium, and apparatus of claims 1, 20, and 26 wherein the predetermined event is a receipt of a state change of the parameter (the event is any change of status of a job; column 1, lines 15-25; column 7, lines 14-41).

As per claim 4, Royce discloses the method of claim 1, wherein the predetermined event is exceeding a threshold value set for the parameter (the message is generated when the threshold value of minutes is exceeded; column 8, lines 14-17).

As per claims 5, 22, and 28, Royce discloses a method, machine readable medium, and apparatus of claims 1, 20, and 26 further comprising generating the notification a number of

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times for an amount of time (generating the message many times for a certain time period; column 8, lines 1-16).

As per claim 6 and 23, Royce discloses a method, machine readable medium, and apparatus of claims 5 and 22, wherein the number of times, the amount of time, and the time period are configurable (the number of times, amount of time, and time period are variables to be set; column 8, lines 1-16)

As per claim 7, Royce discloses the method of claim 1, wherein the parameter is monitored using a satellite system located locally to the host system and wherein the notification is generated remotely from the host system (the message is generated from a system connected to the host; column 3, lines 17-25; column 4, line 24-52).

As per claim 8, Royce discloses the method of claim 7, further comprising:  
receiving data about the predetermined event from a satellite system by a monitoring operations center and wherein the notification is generated by the monitoring operations center (the message is generated by a specific system; column 4, lines 24-52).

As per claim 10, Royce discloses the method of claim 1, where escalation is based on a set of rules (rules for escalation; column 2, lines 11-24; column 3, lines 48-51; column 11, lines 62-67; column 12, lines 40-61).

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As per claim 11, Royce discloses the method of claim 10, wherein the set of rules is based on a time delay between the notification and the acknowledgement (message escalated after a certain amount of time; column 12, lines 41-61).

As per claim 12, Royce discloses the method of claim 10, wherein the set of rules is based on the state change (rules based on what event occurs; column 1, lines 15-25; column 2, lines 1-10; column 7, lines 14-41).

As per claim 14, Royce discloses the method of claim 1, wherein the notification is generated and escalated automatically (automatic escalation provided; column 2, lines 24-25; column 8, lines 48-51; column 11, lines 62-67).

As per claim 15, 25, and 29, Royce discloses a method, machine readable medium, and apparatus comprising generating a trouble ticket at a predetermined point in the hierarchy to track the escalation (tracking the escalation; column 11, lines 61-67; column 12, lines 1-14).

As per claim 16, Royce discloses the method of claim 1, wherein the parameter is a service of the host system (the event being monitored is a service of the host; column 4, lines 24-52; column 5, lines 63-67; column 6, lines 1-44; column 8, lines 56-67; column 9; column 10, lines 1-29).

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As per claim 17, Royce discloses the method of claim 1, wherein the parameter is a utilization of a component of the host system (the event being monitored is a service of the host; column 4, lines 24-52; column 5, lines 63-67; column 6, lines 1-44; column 8, lines 56-67; column 9; column 10, lines 1-29).

As per claim 18, Royce discloses the method of claim 17, further comprising:  
monitoring additional parameters of the host system, wherein the additional parameters include a service of the host system (monitoring additional functions of the hose; column 4, lines 24-52; column 7, lines 25-34); and

eliminating a redundant notification based on dependent parameters of the host system (not sending out redundant messages; column 4, lines 24-52; column 7, lines 34-67).

As per claim 19, Royce discloses the method of claim 17, further comprising determining an asset of the host system (determining what the host system provides; column 1, lines 15-25; column 4, lines 24-52).

As per claims 30 and 34, Royce discloses an apparatus and system, comprising:  
host satellite system coupled to a first network;  
a plurality of communication devices; and  
a monitoring operations center coupled to the first network, the monitoring operations center comprising:

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a portal to configure an event for a parameter of a host system (monitoring a job status; column 3, lines 38-42; column 6, lines 66-67; column 7, lines 1-50; column 8, lines 49-55; column 9, lines 6-16);;

a digital processing system coupled to the portal, the digital processing system to receive data indicative of an occurrence of the event on the first network and generate a first notification (creating a message when the event occurs and sending the message; column 3, lines 48-51; column 8, lines 17-28; column 11, lines 51-67; column 12, lines 5-61); and

a notification gateway coupled to the digital processing system to transmit the first notification to one of the plurality of communication devices, the digital processing system to generate a second notification to another of the plurality of communication devices if an acknowledgment is not received within a predetermined time (escalating the message when no response is received from first recipient; column 3, lines 48-51; column 8, lines 17-28; column 11, lines 51-67; column 12, lines 55-61).

See also column 1, lines 61-67; column 2, lines 11-24; column 3, lines 26-31 and column 5, lines 9-19.

As per claim 31, Royce discloses the apparatus of claim 30, wherein the notification gateway transmits the second notification to the second communication device (column 3, lines 38-52).

As per claim 32, Royce discloses the apparatus of claim 30, wherein the digital processing system comprises at least one server (column 4, lines 1-24).

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As per claim 33, Royce discloses the apparatus of claim 30, further comprising a proxy server coupled to the digital processing system (column 2, lines 64-67; column 3; column 4, lines 1-24).

As per claim 35, Royce discloses the system of claim 34, wherein the first notification is transmitted on the first network (column 3, lines 38-52; column 4, lines 53-62).

As per claim 36, Royce discloses the system of claim 34, further comprising a second network and wherein the first notification is transmitted on the second network (column 3, lines 38-52; column 4, lines 53-62).

As per claim 37, Royce discloses the system of claim 35, wherein the first network is an internet protocol network and the second network is a telephone network (column 4, lines 53-63).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 9, 13 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Royce et al. US Patent No. 5,748,884 in view of Garcia et al. US Patent No. 5,754,111. Garcia discloses the invention as claimed including a system which communicate messages to alert recipients and escalates the messages when no response is received.

As per claim 9 and 24, Royce discloses a method, machine readable medium, and apparatus of claims 1, and 20. Royce does not disclose further comprising providing a possible cause of the predetermined event occurrence. Garcia discloses providing a possible cause. See column 7, lines 22-61. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the providing a possible cause of Garcia with the message of Royce. A person of ordinary skill in the art would have been motivated to do this so that the recipient would know how to handle the situation.

As per claim 13, Royce discloses the method of claim 10. Royce does not disclose wherein the set of rules is based on schedules of the first and second persons. Garcia discloses that the rules are based on the schedules of the persons. See column 7, lines 18-25. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the schedules of Garcia with the rules of Royce. A person of ordinary skill in the art would have been motivated to do this so that the recipient would be available to receive the request.

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*Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Welter et al. U.S. Patent No. 6,138,157 discloses a method for testing a web site.

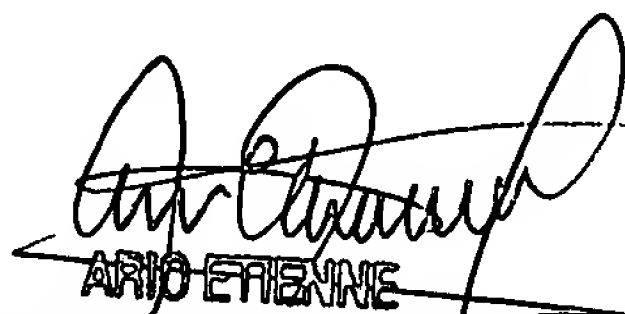
Flores et al. U.S. Patent No. 6,567,937 discloses a software monitoring system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uzma Alam whose telephone number is (703) 305-8420. The examiner can normally be reached on Wednesday - Thursday 11:30am-8pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703) 308 - 7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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